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December 10, 2012

Honorable Steven M. Gold
Chief Magistrate Judge, USDC
Eastern District of New York
225 Cadman Plaza East, Chambers 1217
Brooklyn, New York 11201

Re: Bokitko v. Rubin & Rothman, LLC
12-CV-4138

Dear Chief Magistrate Judge Gold:

I am counsel for the Defendant named in the above-entitled action. Your Honor has directed that an in-person initial conference occur on December 12, 2012 commencing at 10:00 a.m. For the reasons set forth below the Defendant respectfully requests that Your Honor adjourn the conference pending the outcome of the Defendant's attempt to file a Fed. R. Civ. P. 12(b)(6) motion to dismiss the Complaint.

The Defendant has filed a letter to District Judge Nina Gershon requesting that she conduct a pre-motion conference for the purpose of granting the Defendant permission to file the herein referenced motion to dismiss the Complaint (Dkt. No. 8). No prior application for the herein requested adjournment has been made to date by either Plaintiff or Defendant. Furthermore, I spoke with Plaintiff's counsel, Adam Fishbein, and he has consented to the herein requested adjournment.

The Defendant suggests that Your Honor adjourn the initial conference until a date after Judge Gershon denies the Defendant's request to file a motion to dismiss the Complaint or, if Judge Gershon allows the Defendant to file a motion to dismiss the Complaint, a date after a decision has been rendered in regard thereto. Finally, the herein request to adjourn the initial conference does not affect any other scheduled date.

Respectfully submitted,

/ s / *Robert L. Arleo*

Robert L. Arleo

RLA:gra
cc: Adam J. Fishbein via ECF

